

THE  
ARTICLES  
OF  
EXETER,

Made on the Rendition thereof.

WITH

The Vote of the Honourable House of  
Gommons, in the Approbation of them of the  
6. of *May*, 1646.

With the Order and Ordinance of the  
Lords and Commons in Parliament assembled, for the  
Approbation, Publication, and Observation of  
them, by all Committees, Judges, and  
Officers, and others concerned in them,  
of the 4. of this instant *Novemb*,  
1647.



LONDON,  
Printed in the year, 1647.

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Dated at *Exeter* the 8. day of *April*, at  
10. of the clock at night. 1646.

*Articles of Agreement concluded on by Thomas Ham-  
mond, Lieutenant Generall of the Ordnance, Colonel  
Sir Hardres Waller, Colonel Edward Harley, Colonel  
Lambert, Commissary Generall Stane, and Major Pat-  
son, Scout-master Generall, Commissioners on the behalfe  
of the Right Honourable his Excellency Sir Thomas  
Fairfax, Generall of the Parliament Forces on the one  
party: And Sir Henry Berkley, Sir George Warry,  
Col: William Ashburnham, Col: Godolphin, Captain  
Fitz-Gerard, Master John Were, Robert Walker  
Esq. and Master Thomas Knot Merchant, Commis-  
sioners on the behalfe of Sir John Berkley, Knight, Go-  
vernour of the City of Exeter on the other party, touching  
and concerning the Rendition of the said City and Gar-  
rison as followeth.*

I.  Hat the City and Garrison of *Exe-  
ter*, together with the Castle, all  
Forts, Mounts, and places of De-  
fence of or belonging to the same,  
with all Ordnance, Armes, Am-  
munition, Provision and Furniture  
of Warre belonging to the Garrison, (excepting what  
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shall be excepted in the ensuing Articles) shall be delivered unto Sir *Thomas Fairfax*, Generall of the Parliament Forces, or to any whom he shall appoint, to receive them for the use of the Parliament, on Munday next after the date hereof, being the 13. day of this instant *April*, by twelve of the clock at Noone.

2. That if an Officer, Soldier, or any person included in these Articles of or belonging unto the City or Garrison of *Exeter*, shall after the conclusion of these Articles, wrong or plunder in person or goods (in their marching away or before) any Citizen or Countryman, or any person whatsoever, shall as far as he is able give satisfaction to the persons so injured at the judgement of his Excellency Sir *Thomas Fairfax*, if he be not punished before by the present Governour thereof.

3. That if any Officer, Soldier, or any person (included in these Articles) shall after the date hereof, wilfully break, deface, spoile or imbezell any Armes, or other provisions of War whatsoever, by the precedent Articles to be surrendered as aforesaid, shall lose the benefit of the ensuing Articles.

4. That the Princess *Henrietta* and her Governesse, with her household, shall have full liberty to passe with their Plate, Money, and goods, within twenty daies after the conclusion of this Treaty, (when she shall desire) to any place within the Continent of *England*, or Dominion of *Wales*, at the election of the Governesse, and there to remaine untill his Majesties Pleasure be farther knowne touching her settling; And that the Governesse shall

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shall have liberty to send to the King to know his Pleasure herein, accordingly to dispose of her Highnes, within the foresaid limitation of place, and that fit and convenient Carriages be provided for their passage at reasonable rates.

5. That the Cathedrall Church, nor any other Church within the City shall be defaced, or any thing belonging thereunto spoiled or taken away by any Soldier or person of either side whatsoever.

6. That the Governour, together with all Lords, Gentlemen, Clergie-men, Chaplaines, Officers, Troopers, and Common-Soldiers of the Kings Forces, shall march out of the City on Munday next the 13. of April, by twelve of the clock at noone, with their Horses, full Armes, Bag and Baggage, and their Goods, Colours flying, Drums beating, Maches lighted, Bullets, full Bandoleers, with sufficient Convoyes to Oxford, or unto Helstone in Cornwall, at their severall elections. And in case the Governour of Oxford shall refuse to receive the Common-Souldiers that shall march thither : They are there to deliver up their Armes to the Convoy, and have Passes to repaire to their severall homes : and those that march to Helston, and there to be disbanded, and have Passes to repaire to their owne homes. Provided that all Troopers and Common-Soldiers which march not as aforesaid, shall deliver up their Armes, (except their Swords) and have liberty to goe unto their owne homes with Bag and Baggage, and shall not be compelled to take up Armes against the King. Provided also, that all Officers and Gentlemen that shall choose to goe  
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to *Oxford*, and not taking up Armes, shall repaire into the Parliament Quarters within forty dayes after the Date hereof, shall enjoy the benefit of these Articles.

7. That all those which shall March unto the places aforesaid, shall have free Quarter in their March, and not be obliged to march above tenne miles a day, and that such other Souldiers as are Inhabitants in the City, shall have free liberty to march out, or remaine therein, without being compelled to take up Armes against the King: And if any Souldiers shall fall sick upon their march, that convenient Carriages and Accommodations shall be provided for them.

8. That all Lords, Gentlemen, Clergymen, Chaplaines, and Officers that shall chuse to goe beyond Seas, shall march away with their full Armes for their owne use; and that all common Soldiers shall march away with their full Armes, with a sufficient convoy unto the *Port*, which they shall choose for their transportation, which Armes (except swords) they shall there lay down, and deliver unto the Governour of the next Garrison belonging to the Parliament; the said Governour providing for their safety, during the time of their abode there, where they shall be assisted for the procuring Vessells and Shipping for their transportation at the accustomed Rates, and shall have free Quarter for one and twenty dayes allowed to provide for their passage. After which time shall be expired, the same Officers and Souldiers paying for their Quarters, shall have liberty to stay untill Shipping be provided, and weather seasonable; and that during their stay, or before, it shall be

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permitted, that any two of them may goe to *London*; to Treat with any forraigne Embassadour or Agent, for a Commission to be entertained beyond the Seas.

9. That neither the Officers, Souldiers, nor any Person whatsoever, in their going out of the City, shall be reproached, or have any disgracefull speeches or affronts offered unto them, or any of their Persons wronged, rifled, searched, or their goods seized, or taken away from them, by any person whatsoever.

10. That the Governour, Lords, Gentlemen, Clergymen, Chaplaines, Commanders, Officers, and Souldiers comprized in these Articles, shall be allowed and assisted in providing of sufficient Carriages at reasonable rates, to carry away their Bag, Baggage and Goods; and that care be taken by the future Governour of the said City, for the curing of such sick, or wounded Officers and Souldiers, as shall be left in the City, and that upon recovery, they shall have Passes to repaire to their owne houses respectively.

11. That the Parliament Forces come not into the City untill the Kings Forces be marched out, except one hundred and fifty Foot, and one Troop of Horse, with their Officers.

12. That no Lords, Knights, Gentlemen, Clergymen, Chaplaines, (excepting those who are by name excepted by Parliament from Pardon and Composition) Officers, Citizens and Soldiers, and all other persons comprized in these Articles, shall be questioned or accompt-



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comptable for any act past by them done, (or by any other done by their procurement) relating unto the unhappy differences betwixt His Majesty and the Parliament, they submitting themselves to reasonable and moderate composition for their estates, which the Generall Sir *Thomas Fairfax* shall really endeavour with the Parliament, that it shall not exceed two yeates value of any mans reall estate respectively; and for personall, according to the ordinary rule, not exceeding the proportion aforesaid. Which composition being made, they shall have Indemnity of their persons, and enjoy their estates, and all other Immunities, without payment of any 5. or 20. part, or any other Taxes or Impositions, except what shall be hereafter charged upon them in common with other Subjects of this Kingdome by Authority [of Parliament.

13. That all Lords, Knights, Gentlemen, Clergy and Chaplaines excepted in the next precedent Article, shall have liberty to goe unto any of the Kings Garri-fons, and to have a safe Conduct for themselves and servants, to goe unto the Parliament, to obtain their Composition for their Estates, and Indemnity for their persons, which though it prove uneffectuall yet nevertheless they shall have foure months time next after the date of these Articles to endeavour their peace, or to goe beyond the Seas, and shall have passes for that purpose.

14. That all Horses, Armes, Money, and other goods whatsoever, taken as lawfull prize of War, before, or during the Seige now in the City be continued in the possession of the present possessor.

15. That



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15. That all Officers, Gentlemen, Citizens, Inhabitants, Clergymen, Chaplains, Souldiers, and all other persons within the City, during the time of the making their Compositions, shall have free liberty, either to inhabit within the same City, or shall have free liberty at any time to depart with their Families, Goods and Estates, unto any part of the Kingdome in the Parliaments Quarters, and before Composition made, the Merchants and Tradesmen to enjoy their Merchandizing and Trades. And after Compositions made, all others now prohibited by Ordinance of Parliament, to enjoy and exercise their professions, or goe beyond the Seas. And that they, and every of them, shall have power to dispose and sell to their own uses, either by themselves or others, whatsoever part of their Goods or Estates, they shall not carry or convey away with them; and all Inhabitants which did inhabit within the City, within seven moneths past, having made their Compositions as abovesaid, shall enjoy the benefit of this, and of the 12. and 22. Articles.

16. That all Charters, Customes, Priviledges, Franchises, Liberties, Lands, Estates, Goods and Depts of the Major, Aldermen, Bayliffes, Communitaty, as a Corporation, and all Corporations of the said City shall be enjoyed by them: And that the Ancient Government thereof, remaine as formerly,

17. That if any persons, or Inhabitants which are comprized within these Articles, shall break any of them, that such breach shall only touch and concerne such persons, and they, to make such satisfaction for the same, as the cause shall require.

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18. That

18. That all persons comprized within these Articles, shall have upon request, a Certificate under the hand of his Excellency Sir *Thomas Fairfax*, or the future Governour of that City, that such persons were in the City, at the time of the surrendering thereof, and are to have the benefit of these Articles.

19. That His Excellency Sir *Thomas Fairfax*, give assistance, that all Officers and Souldiers in the Parliaments Army, and all other under his Command, shall duly and exactly observe all these Articles. And if they, or any of them, shall directly, or indirectly violate or infringe the same, upon complaint thereof, Justice may be done, and reparation made.

20. That the Inhabitants of the City shall be eased, freed from all fine, quarter and billet of Souldiers, except in cases of urgent necessity, other then for lodging, and that to be ordered and disposed by the advice of the Mayor and his Deputy.

21. That no Oath, Covenant, Protestation or subscription relating thereunto, shall be imposed upon any person whatsoever comprized within these Articles, but only such as shall binde all persons aforesaid, nor to bear Armes against the Parliament of England, now sitting at *Westminster*; nor wilfully doe any Act prejudiciall unto their Affaires, whilst they remain in their Quarters, except the persons aforesaid, shall first render themselves unto the Parll, who shall cause them to be secured, if they think fit.

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22. That for the further and clearer understanding of the preccedent Articles: It is hereby declared, that the true meaning of them is, that all persons comprized within these Articles, shall quietly and peaceably enjoy all their goods, debts, & moveables, during the space of four moneths, next ensuing: and be free from all Oaths, Covenants, Protestations; and have liberty within the time of the said four moneths, in case they shall not make their Compositions with the Parliament, and shall be resolved to goe beyond the Seas, to dispose of their said goods, debts, and moveables, allowed by these Articles, and depart the Kingdome, if they thinke fit, and to have Passes for that purpose, or otherwise to stay in the Kingdome.

23. That mount *Radford*, and the Wards in Saint *Thomas* Parish, with the Provisions of War thereunto belonging, be delivered unto his Excellency Sir *Thomas Fairfax*, or whom he shall appoint, to receive them in assurance of the performance of the preccedent Articles, to morrow by six of the clock in the afternoon, being the ninth of *April*. And that foure such Gentlemen or Officers as his Excellencie shall approve of, shall be delivered at the same time as Hostages for the performance of the fore-going Articles on the one party. And that at the same time two Hostages be delivered unto Sir *Fohn Berkley*, Knight, and Governour of the City of *Exeter*, such as he shall approve of, or unto whom he shall appoint, to receive them in assurance of the full performance of the Articles granted on the other party.

24. Lastly,

24. Lastly, that these Articles be ratified and confirmed mutually by his Excellency Sir Thomas Fairfax on the one party, and Sir John Berkley, Knight, Governour of the City on the other party.

*I doe ratifie and confirme the Articles  
abovesaid, agreed upon by the Com-  
missioners on my part. Given under  
my hand the 9. day of April. 1646.*

**FAIRFAX.**

*Ex<sup>t</sup> Et concordat cum Original.*

**H. Elfyng, Cler. Parl. D. Com.**

Die Mercurii 6. Maii. 1646.

**T**He Articles made and agreed upon  
between Sir Thomas Fairfax, Gene-  
rall, and Sir Iohn Berkley, Governour of  
Exeter, upon the Rendition of the said City,  
&c. to his Excellency Sir Tho: Fairfax,  
were all this day read, and upon the Questi-  
on approved.

H. Elsyng. Cler.  
Parl. D. Com.

Die Foris 4. Novemb. 1647.

**T**He Lords and Commons assembled in Parliament doe approve of the Articles of *Exeter*, and Order this Approbation be published, to the end all people concerned may take notice thereof. And that the Committees, Judges, Officers, and other persons concerned therein, doe take notice thereof, and observe the same, any Orders or Ordinances to the contrary notwithstanding.

*Jo: Browne Cler.  
Parliamentor.*

*H. Ellynge, Cler.  
Parl. D. Com.*

